

**Notice of Allowability**

Application No.

09/420,991

Applicant(s)

KEPEC

Examiner

Art Unit

JAGDISH PATEL

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/15/04.
2. ☒ The allowed claim(s) is/are 1-25,29-31,33-41,59-76,80-82 and 84-89.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 12/27/04.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

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**DETAILED ACTION**

1. This communication is in response to amendment filed 10/15/2004.

***Response to Amendment***

2. Claims 1-25, 29-31, 33-41, 59-76, 80-82 and 84-89 are pending and have been allowed.

***Allowable Subject Matter***

3. Claims 1-25, 29-31, 33-41, 59-76, 80-82 and 84-89 are allowed.

***Drawings***

4. This application contains formal drawings. Informal drawings must be submitted in response to this action.

***Reasons for Allowance***

5. The following is an examiner's statement of reasons for allowance of the aforementioned claims:

The claimed inventions pertain to distributing and redeeming electronic promotions to a plurality of consumers through a communication network.

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The following prior art references have been deemed most relevant to the allowed claim(s):

Deaton et al. (US 5,687,322) teaches a method for distributing and redeeming electronic promotions (marketing) using a financial instrument account number as a check, credit card, debit card, or the like, as the consumer's identification number. Deaton, however, collects and accumulates the consumer's (customer's) information over and above the information necessary for credit verification. (Deaton, col. 6 lines 57-60). Deaton explicitly recites use of a customer's name in association with a promotional marketing. (Deaton, col. 65, lines 9-18)

Nichtberger et al. (US 4,882,675) teaches a method for distributing and redeeming electronic promotions to a plurality of consumers through a communication network. Nichtberger maintains account for each consumer such that an UPC code identifies each consumer account and the consumer can access the account via the communication network using the UPC code whereby the consumer is presented with promotional choices available to him or her.

Day et al. (US 5,857,175) teaches a paperless coupon system which tracks consumer purchasing behavior. The system presents special offers (promotions) to customers. The special offers include customized targeted offers for specific customers. The invention allows manufacturers to select which consumers obtain discounts and how big of a discount.

**Claims 1-25,29-31,33-41,59-76,80-82 and 84-89**

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The prior art references discussed above are deemed the Closest Prior art of record. These prior art references fails to teach or suggest a method for distributing and redeeming electronic promotions to a plurality of consumers through a communication network which comprises the following novel features.

maintaining a consumer account for each consumer which account has a limited direct identification of the consumer, the consumer account identification excludes the consumer by name and associating each consumer account only the following parameters:

a unique key, at least one financial account institution account number, and a purchasing history for the consumer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Scroggie et al. (US 5970469, US 6185541, US 6014634) teaches systems for providing incentives to customers to shop in retail stores and, more particularly, to systems for delivering customer incentives and other shopping aids via a computer network.

Humble (US 4949256) teaches a system which relates generally to the field of retail marketing promotions, and in particular, to a comprehensive coupon validation network for efficiently monitoring and controlling all phases of coupon processing.

Leonard et al. (US 5903874) teaches electronic management of promotional coupons, and more particularly, to the real-time redemption of promotional coupons for goods and services, such as telecommunications and rebates, where the customer with the printed coupon is remotely located from the redemption agent.

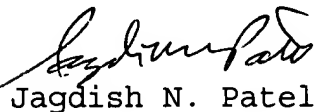
Finsterwald (US 6039244) teaches a method of building up a data bank containing customer data and/or for the organization of a rebate or coupon system. Furthermore, the invention relates to the use of such a method and also to computerized tills usable in the context of the method, to printed till receipts, printed invoices, printed entry cards, product packages, product labels and product tags. Finally, the invention also relates to an apparatus for manufacturing the said product packages, product labels and product tags.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (703)308-7837. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703)308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

12/27/04